

**FILED**

*May 7, 2009*  
STATE OF NEW JERSEY  
BOARD OF MARRIAGE AND FAMILY THERAPY  
EXAMINERS

*Erin L. Nelson*

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
PROFESSIONAL COUNSELOR EXAMINERS  
COMMITTEE OF THE STATE BOARD  
OF MARRIAGE AND FAMILY THERAPY  
EXAMINERS

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IN THE MATTER OF THE SUSPENSION :	:
OR REVOCATION OF THE LICENSE OF :	Administrative Action
:	:
<b>AMY ZIEMAN-SWART, LPC</b> :	:
:	FINAL ORDER OF
TO ENGAGE IN THE PRACTICE OF :	DISCIPLINE
PROFESSIONAL COUNSELING IN THE :	:
STATE OF NEW JERSEY :	:

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THIS MATTER was opened before the Professional Counselor Examiners Committee of the New Jersey State Board of Marriage and Family Therapy Examiners (hereinafter "the Board") upon review of the application of Ms. Dawn Johnson for licensure as a Professional Counselor. The Respondent, Amy Zieman-Swart, submitted Documentation of Supervised Counseling Experience in which she admitted that she supervised one hundred and forty one hours of counseling services performed by Ms. Johnson at Caring Family Community Services, a for-profit agency. Ms. Johnson was not licensed at the time Respondent supervised the hours.

The Board has reviewed Ms. Johnson's application, the Documentation of Supervised Counseling, a February 20, 2007 letter from Respondent, the transcript of Respondent's testimony on December 5, 2007 and the Consent Order In the Matter of Dawn M. Johnson, filed on October 11, 2007. The Board makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Respondent is licensed as a Professional Counselor.
2. Respondent admitted that from October 2006 until June 2007 she supervised counseling services provided by Dawn Johnson at Caring Family Community Services, located at 200 Craig Road, Manalapan, New Jersey.
3. Respondent admitted that Caring Family Services is a for-profit agency.
4. Dawn Johnson was not licensed while Respondent supervised her counseling services.
5. Respondent failed to have clients acknowledge in writing that they were advised she was supervising Ms. Johnson's counseling services.

**CONCLUSIONS OF LAW**

Respondent has submitted a letter of recommendation for Dawn Johnson, signed Documentation of Supervised Experience and testified that she supervised Ms. Johnson's counseling services at Caring Family Community Services, a for-profit agency, during a period when

Ms. Johnson did not hold a valid license to engage in professional counseling in violation of N.J.S.A. 45:1-21(n) and N.J.S.A. 45:8B-39(a). Further Respondent as the supervisor failed to obtain a written disclosure signed by the client acknowledging that the client had been informed that services were being rendered under Respondent's supervision, such omission violates N.J.A.C. 13:34-13.1(a).

#### **DISCUSSION ON FINALIZATION**

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") was entered by this Board on March 12, 2009 and served upon Respondent. By letter dated March 24, 1009, the Respondent submitted a response to the POD. The prosecuting Deputy Attorney General responded by letter dated April 1, 2009.

In her response, the Respondent requests either a dismissal of the POD or modification of the POD to eliminate the monetary penalty. In support of her request, Respondent argues that the Board failed to consider that her activities were in compliance with the New Jersey Medicaid regulations. She further argues that she did not intentionally or knowingly violate the Board's requirements. Further, upon learning of the violations, Respondent unilaterally discontinued supervising any master's level intensive in-community services. Respondent points out that her career and professional background have been stellar with the exception of this matter and that there was no significant negative impact upon any "patient."

Finally, Respondent advises that this matter has had an emotional and financial impact upon her life.

Respondent's submission was reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. Further, the Board noted that Respondent does not dispute the Findings of Fact or Conclusions of Law set forth herein above. Rather, among other issues to be considered by the Board, Respondent requests that the Board consider that she was in compliance with the New Jersey Medicaid regulations. The Board understands that licensees may have to comply with other state and federal requirements; however, it is the Respondent's responsibility to understand and adhere to the statutes and regulations which govern the practice of professional counseling. As to the remaining issues, the Board does not find anything persuasive to warrant a dismissal or modification of the POD.

**ACCORDINGLY, IT IS** on this 7<sup>TH</sup> day of May 2009  
ORDERED that:

1. Respondent shall cease and desist from aiding and abetting the unlicensed practice of professional counseling, in violation of N.J.S.A. 45:1-21(n) and N.J.S.A. 45:8B-39(a).

2. Respondent is reprimanded for aiding and abetting the unlicensed practice of professional counseling, in violation of N.J.S.A. 45:1-21(n) and N.J.S.A. 45:8B-39(a).

Finally, Respondent advises that this matter has had an emotional and financial impact upon her life.

Respondent's submission was reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. Further, the Board noted that Respondent does not dispute the Findings of Fact or Conclusions of Law set forth herein above. Rather, among other issues to be considered by the Board, Respondent requests that the Board consider that she was in compliance with the New Jersey Medicaid regulations. The Board understands that licensees may have to comply with other state and federal requirements; however, it is the Respondent's responsibility to understand and adhere to the statutes and regulations which govern the practice of professional counseling. As to the remaining issues, the Board does not find anything persuasive to warrant a dismissal or modification of the POD.

**ACCORDINGLY, IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_ 2009  
ORDERED that:

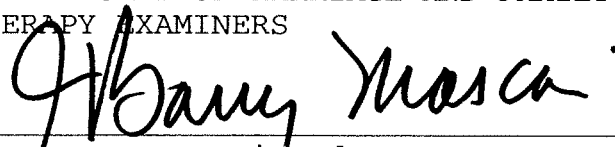
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2. Respondent is reprimanded for aiding and abetting the unlicensed practice of professional counseling, in violation of N.J.S.A. 45:1-21(n) and N.J.S.A. 45:8B-39(a).

3. Respondent is reprimanded for failing to obtain a written disclosure signed by clients acknowledging that the clients had been informed that services were being rendered under Respondent's supervision, in violation of N.J.A.C. 13:34-13.1(a).

4. Respondent is assessed a civil penalty in the amount of one thousand dollars (\$1,000.00) for aiding and abetting the unlicensed practice of professional counseling and for failing to obtain written disclosure signed by clients acknowledging that the clients had been informed that services were being rendered under Respondent's supervision. Payment shall be by certified check or money order, payable to the "State of New Jersey" and sent to Elaine DeMars, Executive Director, Professional Counselor Examiners Committee, P.O. Box 45044, Newark, New Jersey 07101.

PROFESSIONAL COUNSELOR EXAMINERS  
COMMITTEE OF THE NEW JERSEY  
STATE BOARD OF MARRIAGE AND FAMILY  
THERAPY EXAMINERS



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J. Barry Mascari, Ed.D., LPC  
President